

## **REMARKS**

### **Drawings**

The Examiner objected to the drawing of newly presented Figure 8, requiring cross-sectional shading. Applicant has revised Figure 8 to reflect this change. In addition, Applicant has renumbered the replacement sheets to reflect the additional sheet of drawings. Accordingly, Applicant believes all objections regarding the drawings have been overcome.

### **Specification**

The Examiner has suggested the insertion of the word “the” on line 5 of the Abstract. Applicant has revised the Abstract accordingly. Therefore, this concern has been addressed.

### **Claim Rejections - 35 U.S.C. §112**

The Examiner rejected claims 20-33 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner took issue with certain informalities. Applicant has by amendment addressed each of these concerns. Accordingly, this rejection has been overcome.

### **Claim Rejections - 35 U.S.C. §103**

The Examiner rejected claims 20-27, 31 and 32 under 35 U.S.C. §103 as being unpatentable over *Borchuk, et al.* in view of *Feige, et al.* Applicant disagrees with the basis for this rejection. Specifically, claim 20 requires in pertinent part, “said first elongate member transverse to second elongate member.” Moreover, claim 20 requires that a first cable guide and a second cable guide is mounted to the first elongate member

while a third cable guide and a fourth cable guide is mounted to the second elongate member. The Examiner has identified component 20 and 22 of *Borchuk, et al.* as a first elongate member and a second elongate member, respectively. However, *Borchuk, et al.* shows each of these components to be in a parallel, rather than a transverse relationship to one another. For this reason alone, claim 20 and its dependents, claims 21-33, are in condition for allowance.

Moreover, claim 20 requires a carrier having “a plate for mounting a drive for the window, said plate having a seal.” The Examiner readily acknowledges that *Borchuk, et al.* is silent concerning a seal. Instead, the Examiner relies on *Feige, et al.* to supply this missing element. The Examiner contends motivation exists for this combination “to prevent contaminants from reaching the drive.” However, the drive in *Feige, et al.* is located on the opposite side of plate 6 from seal 37. Accordingly, *Feige, et al.* does not provide motivation for a seal for the plate mounting the drive. Therefore, the combination is improper.

This distinction is further emphasized by claim 21 which requires, “wherein said seal extends around said drive mounted on said plate.” Even assuming the combination to be proper, the seal of *Feige, et al.* does not in fact extend around the drive as the drive of *Feige, et al.* is located on the opposite side of plate 6. Therefore, claim 21 is allowable.

The Examiner further rejected claims 20-30, 32, 33 and 38 as being unpatentable over *Sakaguchi, et al.* in view of *Kalb, et al.* With respect to this rejection, neither reference discloses the limitation of “said first elongate member transverse to said second

elongate member.” Accordingly, claim 20 and its dependents, claims 21-33, stand in condition for allowance.

The Examiner also seeks to combine the seal of *Kalb, et al.* with the structure of *Sakaguchi, et al.* The Examiner readily acknowledges that *Sakaguchi, et al.* is silent concerning a seal. There is nothing within either reference to suggest the combination. For this additional reason, claims 20-33 stand in condition for allowance.

The Examiner rejected claim 38 under 35 U.S.C. §103(a) as being unpatentable over *Sakaguchi, et al.* in view of *Kalb, et al.* Like claim 20, claim 38 requires, “said first elongate member transverse to said second elongate member.” Again, this feature is not shown by the cited reference as explained above. Moreover, there is no motivation for this combination for the reasons stated above. Accordingly, claim 38 is in condition for allowance.

Applicant herewith files a Notice of Appeal with the Response.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

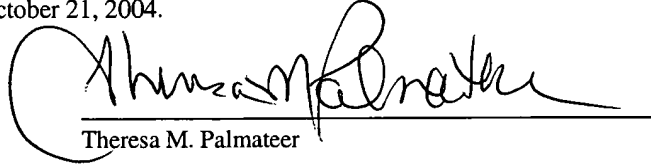
Dated: October 21, 2004

By: 

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**CERTIFICATE OF MAILING**

I hereby certify that the enclosed **Response** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2004.



Theresa M. Palmateer

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